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JAN 13 2020

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SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

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Case No. **3 20 700 14**

YACOV LEVI ELBAZ

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Jan. 10, 2020 in the ~~county of~~ special aircraft jurisdiction of ~~in the~~  
United States District of \_\_\_\_\_, the defendant(s) violated:

### Code Section

### Offense Description

Title 18, United States Code,  
Section 2244

Abusive sexual contact

This criminal complaint is based on these facts:

See affidavit of Special Agent Jennifer May

☒ Continued on the attached sheet.

Approved as to form

AUSA

Assem Padukone

*Complainant's signature*

SA Jennifer May

Printed name and title

Sworn to before me and signed in my presence.

Date: 1-12-20

City and state: Hillsborough CA

Sech

*Judge's signature*

Hon. Sallie Kim

Printed name and title



**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Jennifer A. May, Special Agent of the Federal Bureau of Investigation, having been duly sworn, do declare and state:

**INTRODUCTION**

1. This Affidavit is made in support of a Criminal Complaint charging YACOV LEVI ELBAZ with abusive sexual contact, in violation of Title 18, United States Code, Section 2244. The facts set forth in this affidavit are based on my personal knowledge, information I obtained from other individuals during my participation in this investigation, my review of documents and records related to this investigation, and information gained through my training and experience. Because this Affidavit is submitted for the limited purpose of obtaining an arrest warrant, I have not included each and every fact known to me that supports probable cause for arrest. Rather, I have set forth only the facts I believe are necessary to support the lawful arrest of the individual listed in this Affidavit.

**AGENT BACKGROUND**

2. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since November 2009. I am currently assigned to the San Francisco Division of the FBI, at the Resident Agency located in San Francisco International Airport (SFO), where I investigate criminal violations of federal law, with a focus on crimes committed in the airport and on-board aircrafts. I have been investigating such crimes for the past two years. I have received training at the FBI Academy in Quantico, Virginia to include training on criminal procedure, and search and seizure. During the course of my career

with the FBI, I have participated in numerous criminal investigations, and in the execution of search and arrest warrants relating to such investigations.

3. I am conducting a criminal investigation of YACOV LEVI ELBAZ (ELBAZ). On January 10, 2020, it is alleged ELBAZ sexually assaulted a female passenger seated next to him on an El Al Airlines flight scheduled to travel from Tel Aviv to SFO. The plane took off in Tel Aviv and landed at SFO, near San Francisco in the Northern District of California.

#### **APPLICABLE LAW**

4. Title 49, United States Code, Section 46501 states, in pertinent part, that the special aircraft jurisdiction of the United States includes another aircraft outside the United States “that has its next scheduled destination. . .in the United States, if the aircraft next lands in the United States.” The alleged offense occurred on an aircraft that was scheduled to travel from Tel Aviv to San Francisco, and the plane landed near San Francisco in the Northern District of California.
5. Title 49, United States Code, Section 46506 states, in pertinent part, that an individual in the special aircraft jurisdiction of the United States commits an act that if committed in the special maritime and territorial jurisdiction of the United States would violate chapter 109A of title 18, shall be fined under title 18, imprisoned under that section or chapter, or both.
6. Title 18, United States Code, Section 7 defines the special maritime and territorial jurisdiction of the United States, in pertinent part, as any place outside the jurisdiction of any nation with respect to an offense. . .against a national of the United States.

7. Title 18, United States Code, Section 2244 states, in pertinent part that “[w]hoever, in the special maritime and territorial jurisdiction of the United States ... knowingly engages in sexual contact with another person without that other person’s permission shall be fined under this title, imprisoned not more than two years, or both.” 18 U.S.C. § 2244(b). Under Title 18, United States Code, Section 2246, “the term ‘sexual contact’ means the intentional touching, either directly or through the clothing, of the genitalia ... breast, inner thigh ... of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.” 18 U.S.C. § 2246(3).
8. Title 18, United States Code Section 3238 provides in pertinent part that “[t]he trial of all offenses begun or committed upon the high seas , or elsewhere out of the jurisdiction of any particular State or district, shall be in the district in which the offender. . . is arrested or is first brought.” The alleged offense occurred outside of any particular State or district, and ELBAZ was arrested in the Northern District of California.

**FACTS ESTABLISHING PROBABLE CAUSE**

9. On or about January 10, 2020, at approximately 11:30AM, FBI was notified of a potential sexual assault aboard El Al Airlines Flight 19 traveling from Tel Aviv to SFO. When the flight landed around 12:45PM, Customs and Border Protection (CBP) officers boarded the flight, detained ELBAZ, and transported him to their space inside SFO. ELBAZ is an Israeli citizen with a B1/B2 visitor Visa. The victim, V.A., who is a naturalized U.S. citizen, was also taken to CBP space. Law enforcement interviewed both ELBAZ and V.A., as was the aisle seat passenger, A.K.<sup>12</sup>

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<sup>1</sup> Throughout this affidavit, I refer to the victim and the witness by their initials to protect their privacy.

<sup>2</sup> A.K. was interviewed over the phone because he had earlier caught a connecting flight after deplaning the El Al flight at SFO.

**V.A.'s Interview**

10. V.A. explained how she told ELBAZ to leave her alone multiple times after he began to touch her, but he did not listen. She stated she was seated in the window with ELBAZ seated directly next to her in the middle seat. V.A. and ELBAZ engaged in conversation, speaking only Hebrew, about her family. Shortly thereafter, ELBAZ came onto V.A. and made her feel uncomfortable. ELBAZ then took his elbow and pressed it firmly into V.A.'s upper sternum. V.A. felt pinned against her seat, she could not move or breathe. ELBAZ reached across V.A., pulled down her shirt, and bit her on the left shoulder. The bite did not leave teeth marks, but was painful. ELBAZ told V.A. to "be quiet."
11. ELBAZ then unbuttoned the top button of V.A.'s blouse, reached inside her blouse, and grabbed her left breast. Because V.A. did not want him to do that, she leaned forward and attempted to move his hand away, at which point ELBAZ began to touch in between her breasts. ELBAZ stated he wished he could stick his penis between her breasts. V.A. explained that initially, she felt too scared to say anything and could only think about her desire to go home to her children.
12. ELBAZ asked V.A. if he could touch her "down there," as he rubbed her thighs over her clothes. ELBAZ proceeded to move his hands between her legs. ELBAZ then forced his hand inside V.A.'s pants, putting his two fingers inside her vagina. V.A. could hear her underwear rip. V.A. begged "please move" and told him not to put his hands on her. She used both of her hands to move ELBAZ's hand out of her pants. After about a minute, he released his hand.
13. As ELBAZ touched V.A., he put his jacket over his right shoulder to block the view of the male passenger, later identified as A.K., seated in the aisle seat of their row. ELBAZ

told V.A. to "sit down straight." V.A. asked why, and told him that he was a sick person. V.A. asked ELBAZ multiple times to move so she could go to the bathroom. ELBAZ refused. V.A. could not get around him due to his size, as well as the seat in front of ELBAZ had been reclined.

14. ELBAZ put his jacket over his lap, grabbed both of V.A.'s hands with one of his hands, and put them on his penis. V.A. did not know ELBAZ's penis was exposed under his jacket until her hands were placed on him. ELBAZ instructed her to make him feel good and asked her to "help him finish." ELBAZ squeezed his thighs tightly to lock V.A.'s hands on his penis.
15. Multiple times during the flight, V.A. asked ELBAZ to please let her leave and to leave her alone. ELBAZ made her believe nobody on the plane would help her. V.A. was too frightened to speak up, as she thought ELBAZ worked for El Al Airlines or the Mossad.
16. At one point during the flight, ELBAZ removed a small spray bottle of cologne out of his shirt pocket. While holding V.A. with his elbow, he sprayed his neck with the cologne and pushed her face into his neck. ELBAZ told V.A. the cologne would make her horny. V.A. stated the cologne smelled very bad and made her want to vomit. She also felt it made her sleepy.
17. When ELBAZ was not paying attention, V.A. recorded small parts of their conversations with her iPhone. V.A. used the camera app on video mode and placed the phone out of his view. At one point, she captured ELBAZ's face on the recording. V.A. made three recordings, each under two minutes.
18. The recorded conversations were in Hebrew, but V.A. translated them during her interview. During the recordings, V.A. begs for ELBAZ to please leave her alone and to

move so she can get out. ELBAZ tells V.A. to calm down or he will hurt her. ELBAZ tried for a second time to put his hands down her pants and she asks him to "please, please move your hands." V.A. also records her asking ELBAZ to stop spraying the cologne, as the smell is so bad she thought she was going to die.

19. After a few hours, V.A. pretended to fall asleep. When ELBAZ then left his seat to go to the bathroom, V.A. got up to approach the flight attendants. V.A. first went to the bathroom to take off her ripped underwear. V.A. threw the ripped underwear in the bathroom trash. El Al flight attendants later retrieved the underwear and provided them to CBP. After V.A. explained the situation to the flight crew, she was moved to a different seat for the remainder of the flight. An El Al flight attendant confirmed to agents that V.A. told her that the man sitting next to V.A. reached into her vagina and ripped her underwear, which she threw out in the bathroom. A flight attendant said that V.A. told her that ELBAZ put her elbow on her and that she couldn't breathe, and that he made her rub his genitals. She explained that she froze when it happened, because she was afraid. The flight attendant then placed her in business class, and noticed that she appeared to be afraid, and continued to look back as if he would follow her.

20. A representative from El Al Airlines who understood and speaks Hebrew was played some of the recordings over a speaker phone. Due to the low volume of the recordings, they were difficult to hear and thus, he was only able to corroborate a portion of V.A.'s translations. The representative verified V.A. had asked ELBAZ multiple times to leave her alone, she asked him to not spray his perfume because she was going to vomit, and she asked him why he chose her and what he wanted from her. ELBAZ responded by telling her to lay back.



21. A Hebrew speaking translator employed by the FBI was sent the recordings via email.

The translator also noted translation was difficult due to the low quality of the recordings and the loud noise of the aircraft in the background. The translator was able to hear V.A. repeatedly tell ELBAZ to leave her alone and that she has nothing for him. V.A. further tells ELBAZ "please do not touch me." She also talks about his cologne and it making her want to puke.

**ELBAZ's Interview**

22. Agents read ELBAZ has rights, and he agreed to answer their questions. ELBAZ did not deny the sexual contact with V.A., but claimed that it was consensual. He claimed that V.A. initiated conversation with him as soon as he sat down and showed him photos of her family on her phone. She frequently got upset about her family issues and would cry. She then would talk to ELBAZ about wanting sex. ELBAZ said that approximately fourteen minutes into the flight, V.A. touched ELBAZ, put her head on his chest and told him she wanted to have sex. V.A. kissed his hand. ELBAZ then bit her on the shoulder, which he described as "a baby bite." ELBAZ then asked to touch her breast.
23. ELBAZ believed V.A. kissed him on his face and body approximately six times about one to two hours into the flight. ELBAZ said A.K., who was sitting in the aisle seat, saw the kissing. According to ELBAZ, V.A. liked ELBAZ's cologne and asked him to put more on.
24. Approximately six hours into the flight, ELBAZ grabbed V.A. breast and she asked him if he thought they were normal or silicone. ELBAZ claimed that V.A. asked him to take off his jacket and cover himself with it. V.A. then allegedly began to touch his penis. ELBAZ had his hands over the jacket, holding it up, during this. At some point, V.A.

moved ELBAZ's hands into her pants. ELBAZ penetrated her with one finger. V.A. told ELBAZ that his penis was strong and big, and she wanted to sit on his lap. ELBAZ told her no, that it would not happen in their seats or in the bathroom.

25. V.A. kept asking ELBAZ if he was Mossad or FBI, so he said that he was FBI and Mossad. V.A. asked if ELBAZ was staying in San Francisco that evening and suggested they spend the night together. At one point, ELBAZ thought she might be a hooker.
26. Later, after ELBAZ went to the galley to get a cup of coffee, he noticed V.A. near the bathrooms. She never returned to her seat. A manager then approached ELBAZ and said he would have to speak with the police after the flight. ELBAZ said A.K. asked what was happening and A.K. offered to speak to the police. A.K. provided ELBAZ his phone number. A.K. knew Hebrew and had heard and seen everything that occurred between the two of them.
27. ELBAZ said that V.A. never tried to stop him, never told him to leave her alone, or resisted him. The audio recording provided by V.A. contradicts this claim, as she can be heard telling him to leave her alone in Hebrew. ELBAZ said that he did not use force and nobody else heard her say help or stop. ELBAZ stated if she did not want anything to happen, she should not have shown him photos and offered sex.

**A.K.'s Interview**

28. FBI agents telephonically interviewed A.K., the passenger in the aisle seat in the same row as V.A. and ELBAZ. A.K. did not see much of what happened between V.A. and ELBAZ, because he was asleep for most of the first seven hours of the flight. A.K.'s first impression of ELBAZ and V.A. was they had known each other before. While the plane was on the tarmac, they talked to each other for quite some time in Hebrew. V.A. had

initiated the conversation. A.K. understands Hebrew, but he was not paying attention to what they were talking about because he was wearing headphones. Shortly after the plane took off, A.K. fell asleep for about seven hours.

29. After A.K. woke up, he noticed both ELBAZ and V.A. got up from their seats a few times. ELBAZ and V.A. appeared well acquainted with one another. A.K. did not observe any touching between them. At one point during their conversation, V.A. appeared visibly upset and emotional. She appeared to be conveying a story about something going on in her life.
30. A.K. did not see either of them remove any of their clothing. However, A.K. saw a black jacket covering both ELBAZ and V.A. at one point. A.K. was unable to determine if anything was wrong since he was not able to fully see what the two of them were doing. A.K. did notice they were kind of laying on each other and progressively over time getting more "touchy."
31. V.A. failed to come back to her seat for a long period of time. A.K. then noticed she came back with a flight attendant and gathered her belongings. The flight attendant then asked to speak with ELBAZ. When ELBAZ came back to his seat, he appeared distraught. ELBAZ asked A.K. if he understood Hebrew and A.K. answered that he did. ELBAZ told him that he believed V.A. was accusing him of being inappropriate with her. A.K. told ELBAZ that he did not see what happened and was asleep much of the time. ELBAZ wanted A.K. to tell the police that he was in his seat the entire time and that nothing had happened. A.K. responded he personally did not see anything and did not have any involvement. Since ELBAZ seemed nervous, A.K. provided him his contact

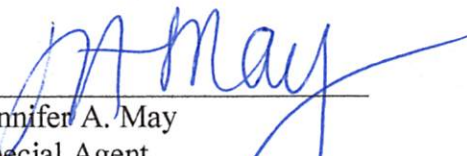
information and told him he would speak with law enforcement if they wanted to speak with him.

**CONCLUSION**

32. Based on the information set forth in this Affidavit, I respectfully submit that there is probable cause to believe that on January 10, 2020, Yacov Levi ELBAZ, committed a violation of federal law in that he engaged in abusive sexual contact in violation of Title 18, United States Code, Section 2244(b).

I swear, under penalty of perjury, that the foregoing information is true and correct to the best of my knowledge and belief.

Respectfully Submitted,

  
\_\_\_\_\_  
Jennifer A. May  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to me before this 12 day of January, 2020

  
\_\_\_\_\_  
HONORABLE SALLIE KIM  
UNITED STATES MAGISTRATE JUDGE